

CHAP. 107.—An Act To authorize the use by the county of Yuma, Arizona, of certain public lands for a municipal aviation field, and for other purposes.

February 27, 1928.

[S. 1154.]

[Public, No. 77.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, subject to valid existing rights, be, and he is hereby, authorized to lease to the county of Yuma, Arizona, for the establishment and maintenance of a municipal aviation field, the east half of section 10 and the west half of section 11 in Township 9 south, of range 23 west, of the Gila and Salt River base and meridian, Yuma County, Arizona, containing six hundred and forty acres, more or less.

Public lands.
Yuma County, Ariz.,
leased lands for avi-
ation field.

SEC. 2. That said lease shall be for a period of twenty years, and be subject to renewal for a like period, on condition that the county pay to the United States a rental of \$1 per year for the use of the said land: *Provided*, That Government departments and agencies operating aircraft shall always have free and unrestricted use of said field and the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft, and that in case of emergency, or in event it shall be deemed advisable, the Government of the United States may assume absolute control of the management and operation of said field for military purposes.

Term and rental.

Proviso.
Government aircraft
agencies to have free and
unrestricted use.

Approved, February 27, 1928.

CHAP. 108.—An Act Authorizing the Hermann Bridge Company, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Missouri.

February 28, 1928.

[H. R. 5501.]

[Public, No. 78.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, Hermann Bridge Company, its successors and assigns be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation at or near Hermann, Gasconade County, Missouri, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Missouri River.
Hermann Bridge
Company may bridge,
at Hermann, Mo.

Construction.
Vol. 34, p. 84.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Missouri, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of twenty years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per centum

Acquisition author-
ized, after completion,
by Missouri, etc.

Condemnation pro-
ceedings.

Compensation if ac-
quired by condemna-
tion.

Limitations.

of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

Tolls under State,
etc., operation.

Rates applied to op-
eration, sinking fund,
etc.

Maintenance as free
bridge, etc., after amor-
tizing costs.

Record of expendi-
tures and receipts.

Sworn statement of
construction costs, etc.,
to be filed after com-
pletion.

Investigation by Sec-
retary of War.

Findings of Secretary
conclusive.

Right to sell, etc.,
conferred.

Amendment.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Missouri or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this Act, and if tolls are charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Hermann Bridge Company, its successors and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War, and with the highway department of the State of Missouri, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of Missouri shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Hermann Bridge Company, its successors and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this Act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act, is hereby granted to Hermann Bridge Company, its successors, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 28, 1928.